

## Case Report

1. Case Number :	0105-23
2. Advertiser :	Activision Blizzard Pty Ltd
3. Product :	Entertainment
4. Type of Advertisement/Media :	Billboard
5. Date of Determination	14-Jun-2023
6. DETERMINATION :	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification  
AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This billboard advertisement depicts a horned woman on a red and black background. Text states "welcome to hell, [city]".



### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*Offensive to Christian's / Catholics*

*Religious reasons and it's promoting evil and satanic paraphernalia*

*The words welcome to Hell Melbourne as part of the advertisement for this game and a picture of a devil are offensive to me as a Christian. The imagery is also inappropriate for my children to see and has already given them nightmares*

*The imagery is frightening to children as the demonic looking character is staring at the camera, creating the effect of staring at the observer. It is located in a prominent position beside a busy freeway where children have a clear view of the very large billboard*

*I feel it's inappropriate to show such disgusting and disturbing content on a billboard where children are seeing this on a daily basis. It has no context and for an adult of 43, I found it unsettling.*

*It's scary for young children who see it, but even as an adult it brought back memories of the hell of the two years of lockdowns in Melbourne. The language and words used are not necessary to get across the message about the release of this game.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*We do not believe that the adverts cited breach the AANA Code of Ethics in any way. We have set out below the reasons why we feel this isn't a breach of each sub-section of section 2 of the Code, starting with two sub-sections specifically called out in the complaint.*

*2.1 – There is no indication in the ads of any discrimination or adverse feeling to a specific religion, any person or section of the community, or religion in general (or any other characteristic listed in the section). The ads do not include any references to the Satanic occult, and do not normalize or celebrate it in any way. The ads also do not depict or promote the devil. The "Welcome to Hell" refers to a fictional location that a person will visit as part of the gameplay in their quest to defeat the fictional villain portrayed in the ads. Given the punctuation, it does not state or imply that Brisbane or Melbourne is 'hell' and as such is not derogatory to these cities, or any of their inhabitants.*

*2.3 – The ads do not depict or encourage violence. The ads are static images portraying a fictional character, the game's title, a marketing slogan referring to an in-game location, and the game's release date. No gameplay is depicted. The ads also do not include images that give the impression that a character has just committed violence against someone, was the victim of violence, or is about to commit violence against someone. Therefore, we do not believe this section applies.*

*2.2 and 2.4 – There is no use of sexual appeal in the ads, so we do not believe these sections apply.*

*2.5 – The language used in the ads is not explicit or obscene and the ultimate meaning (an invitation to the game and one of its locations) is clear to an individual of the*

*target age for the ads. As noted above, “Welcome to Hell” refers to an in-game location that a person will visit as part of the gameplay. “Brisbane” and “Melbourne” are used to address the residents of Brisbane or Melbourne (as applicable) where the ads are displayed, it does not suggest that Brisbane or Melbourne are hell. There is also no indication in the ads of releasing hell in any of those locations.*

*2.6 – There is no material in the ads which would be counter to health and safety.*

*2.7 – The ads are clearly an ad as demonstrated by the inclusion of: (i) title of the game being advertised, the age rating granted to the game by the Australian Classification Board, the publisher’s name, and a gaming platform branding in the Brisbane ad; (ii) title of the game being advertised, and the age rating granted to the game by the Australian Classification Board in the Melbourne ad.*

#### *Additional Information and Background*

*Given the game’s age rating (which was included in the ads) and the fact that the product, and by extension, the ads, are not directed primarily at children, we do not think that the AANA Code of Advertising and Marketing Communications to Children apply here and as such haven’t addressed them in detail. As the ads do not relate to food, beverages, wagering, or vehicles and do not make any environmental claims we have also not addressed terms of the sections of the Code applicable to those advertisements.*

*The complaints state that the ads were viewed on billboards on the motorway. The average person driving a vehicle on motorways is likely above the game’s age rating. We’d also note that GOA (which displayed the ad in Brisbane) and QMS (which displayed the ad in Melbourne) consulted on the ads with the OMA, and reviewed and approved them for use in the relevant locations prior to displaying.*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants’ concerns that the advertisement is:

- Violent
- Offensive to Christians
- Distressing to residents by suggesting their city is “hell”

The Panel viewed the advertisement and noted the advertiser’s response.

**Section 2.1: Advertising or Marketing Communication shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.**

The Panel noted the AANA Practice Note which provides guidance on the meaning of:  
Discrimination - unfair or less favourable treatment  
Vilification - humiliates, intimidates, incites hatred, contempt or ridicule  
Religious views - a person's belief or non-belief in a faith or system of worship

**Does the advertisement portray material in a way which discriminates against or vilifies a person on account of religion?**

The Panel noted that in order to find a breach of Section 2.1 it would need to determine that the advertisement depicted material in a manner that was unfair or less favourable or humiliating or inciting ridicule of a person or section of the community, because of, in this case, religion.

The Panel considered that although the advertisement refers to hell and Diablo, it is not identifying a particular religion. The Panel considered that overall the advertisement is not showing a religion in a negative light, or suggesting that people who follow a particular religion should be thought less of.

The Panel acknowledged that people of the Christian faith, or other faiths, may not like the use of a reference to hell or the devil (Diablo), however considered that the content of the advertisement itself does not humiliate, intimidate or incite hatred, contempt or ridicule of Christian people (or other faiths) nor does it suggest treatment of such people in an unfair or less favourable manner.

The Panel also noted that the billboard states "Welcome to hell, (city)", with the comma indicating that the billboard is not suggesting that the city itself is hell, but rather is inviting residents to play the game.

**Section 2.1 Conclusion**

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of religion, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

**Section 2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.**

The Panel noted the Practice Note for this section of the Code which states:

*"Graphic depictions of violence or a strong suggestion of menace have been found to present violence in an unacceptable manner especially when visible to a broad audience which includes children. For example, advertising for violent or horror movies, tv shows or video games should take care not to include images that give the impression that a character has just committed violence against someone (for example, a weapon with dripping blood), was the victim of violence (for example,*

*freshly severed limbs) or is about to commit violence against someone (for example, gun aimed directly at a person or the viewer) where there is a broad audience which includes children”.*

### **Does the advertisement contain violence?**

The Panel noted that the image was of the main character of the film, and was therefore directly related to the product being advertised. The Panel noted that the character was not dissimilar to other well-known characters such as Maleficent (Disney), and noted a Melbourne sports team called the Demons.

The Panel considered that the advertisement did not depict blood, gore, or any material of a graphic nature or any direct threat or implication of a violent act. The Panel considered that while some people may find the image of the woman to be alarming, it was not threatening and did not contain a strong suggestion of menace.

The Panel acknowledged that some children and others viewing the advertisement on a billboard format may be frightened by the image but considered that image did not constitute a portrayal of violence.

### **Section 2.3 conclusion**

In the Panel’s view the advertisement did not portray violence and did not breach Section 2.3 of the Code.

### **Conclusion**

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.